

United States District Court
Middle District of Tennessee

FILED

NOV 02 2015 DB

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN.

) Craig Cunningham
) Plaintiff, Pro-se
)
) v. Civ Action 3:15-cv-00847
)
) Enagic USA, Inc, et al
) Defendants.

Plaintiff's Affidavit in Support of his Amended Complaint.

1. My name is Craig Cunningham, and I am the Plaintiff in this case. I have never been convicted of a felony or crime of moral turpitude. I am making this affidavit in support of the Plaintiff's Amended Complaint regarding the elements of prior express consent to receive calls initiated by an automated telephone dialing system as defined by the TCPA 47 USC 227 or calls with pre-recorded messages from Defendant Enagic or any of its agents/employees.
2. I never authorized anyone from Enagic or any of its distributors, employees, agents, contractors, any related company or anyone named in the complaint to place phone calls to my cell phone or any other phone number using an automated telephone dialing system or pre-recorded message.
3. All calls made to me by Enagic or any of its agents were without my consent or prior express permission.
4. Furthermore, I have no idea where these individuals and Enagic obtained my phone number, as I never gave it to them for any purpose.


I swear under the penalty of perjury that the foregoing is true and correct.

Craig Cunningham
Plaintiff, Pro-se
5543 Edmondson Pike, ste 248
Nashville, TN 37211
10/29/2015

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Middle District of Tennessee**

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) Enagic USA, Inc,
) Defendants.

Plaintiff's Alleged telephone calls

Phone Contents	Caller ID/Dialing Phone #	Date	Time	Called #	Name given	
Brian Kaplan call regarding Enagic	303-800-6458	10/19/2015	/ 09:01	615-212-9191	Brian Kaplan	
Live Call from Brian about Enagic	Unknown	10/19/2015	/ 15:48	615-212-9191	Brian Kaplan	
Rick calling from Enagic about buying a machine	770-778-4276	07/06/2015	/ 15:37	615-212-9191	Rick Freeman	
Rick calling from Enagic about being #1 in United states and #12 worldwide, refers to previous voice broadcast	770-778-4276	07/22/2015	/ 11:56	615-212-9191	Rick Freeman	
Rick calling from Enagic about being #1 in United states and #12 worldwide, asks Plaintiff to buy Enagic machine, talks about Terry Collins obtaining leads	770-778-4276	07/27/2015	/ 19:36	615-212-9191	Rick Freeman	
Call from Rick Freeman soliciting the Plaintiff to buy Enagic product	770-778-4276	09/21/2015	/ 15:49	615-212-9191	Rick Freeman	
Rick calling from Enagic to buy a machine to join his team and a conference call	770-778-4276	09/22/2015	/ 11:47	615-212-9191	Rick Freeman	
Rick calls again asking if I had any questions, asks if I am ready to join their Enagic team and buy a machine	770-778-4276	10/29/2015	/ 14:48	615-212-9191	Rick Freeman	
Rick calling from Enagic to buy a machine, talks about team victory website and E-book, talks about pre-recorded messages and noupfrontmoney.com, talks about how Enagic approved use of cold-calling tool from phone burner	770-778-4276	10/29/2015	/ 11:11	615-212-9191	Rick Freeman	
Rick calling from Enagic to buy a machine, talks about automated dialing system and	770-778-4276	10/06/2015	/ 14:59	615-212-9191	Rick Freeman	

cold calling telemarketing vs recording						
SSM call coach dave	480-454-8281	09/16/2015	/ 17:32	615-212-9191	Robocall from coach dave	
Secret success machine call from Dave, live	331-220-0308	09/16/2015	/ 17:04	615-212-9191	coach dav	
Missed call on behalf of Enagic	303-9270615	08/18/2015	/ 15:41	615-212-9191	Brian Kaplan	
Missed call on behalf of Enagic	303-9270615	10/09/2015	/ 10:49	615-212-9191	Brian Kaplan	
Call requesting the Plaintiff to buy enagic product	303-800-6458	08/19/2015	/ 17:04	615-212-9191	Brian Kaplan	
Calling about Enagic getting started	812-697-1844	06/09/2015	/ 18:53	615-212-9191	Angelina Liner	
Pre-recorded message about Enagic	573-370-3000	07/16/2015	/ 12:36	615-212-9191	Call on behalf of Tara	
Enagic call trying to get me signed up.	618-767-6240	07/16/2015	/ 19:31	615-212-9191	Tara Enagic	
Walt Peterson call trying to sell Enagic machine,	305-230-4966	07/27/2015	/ 16:14	615-212-9191	Walt Peterson	
Enagic automated call w/ pre-recorded message	714-500-7111	07/21/2015	/ 20:08	615-212-9191	None Given	
Pre-recorded message about Enagic	781-214-4465	07/21/2015	/ 13:04	615-212-9191	None Given	
Enagic call from Brian Kaplan about "no money down" option, pre-recorded call	303-927-0615	10/18/2015	/ 13:30	615-212-9191	Brian Kaplan	
Call about Enagic	812-697-1844	06/09/2015	/ 18:53	615-212-9191	Angelina Liner	
Brian Kaplan pre-recorded message	303-927-0615	10/21/2015	/ 15:01	615-212-9191	Brian Kaplan	
Walt Peterson call trying to sell Enagic machine, from Enagic conference in Orlando	561-901-4989	10/08/2015	/ 18:02	615-212-9191	Walt Peterson	
Automated w pre-recorded message, missed call	781-214-4465	08/04/2015	/ 20:29	615-212-9191	None Given	
Walt Peterson call trying to sell Enagic machine, walter states that he purchases leads	561-283-4989	10/19	/ 11:14	615-212-9191	Walt Peterson	
Enagic automated call w/ pre-recorded message	714-500-7111	08/04/2015	/ 20:29	615-212-9191	none	
Pre-recorded call about Enagic	781-214-4465	08/05/2015	/ 11:06	615-212-9191	None	
Pre-recorded , faild to start, dad air, Enagic, missed call	781-214-4465	08/02/2015	/ 14:02	615-212-9191	None	
Pre-recorded, automated, dead air	781-214-4465	07/21/2015	/ 13:04	615-212-9191	None	
Pre-recorded ,missed call Enagic	781-214-4465	08/06/2015	/ 11:00	615-212-9191	None	
Enagic automated call w/ pre-recorded message	541-654-0400	08/11/2015	/ 11:19	615-212-9191	None	
Brian Kaplan pre-recorded	303-218-9563	08/17/2015	/ 15:06	615-212-	Brian	

message				9191	Kaplan	
Call back to Brian from missed call	970-682-0748	08/18/2015	/ 17:41	615-212-9191	Brian Kaplan	
Enagic automated call w/ pre-recorded message	303-927-0615	08/18/2015	/ 15:41	615-212-9191	Brian Kaplan	
Enagic call, been running the dialer, asked about if I have heard back from Comerica to purchase Enagic machine	707-776-6911	08/27/2015	/ 17:18	615-212-9191	Jeff Howard	
Enagic Conf call invite, pre-record	618-223-5902	09/09/2015	/ 13:19	615-212-9191	Brian Kaplan	
Enagic Conf call invite, pre-record	480-454-8281	09/16/2015	/ 17:32	615-212-9191	None Given	
Enagic Conf call invite, pre-record	618-223-5902	09/16/2015	/ 17:48	615-212-9191	Brian Kaplan	
Enagic Conf call invite, pre-record	618-223-5902	09/16/2015	/ 13:55	615-212-9191	Brian Kaplan	
SSM call coach dave, live call	331-220-0308	09/17/2015	/ 16:22	615-212-9191	Coach Dave	
Rick Freman calling to sell Enagic Machine	707-776-6911	09/28	/ 13:02	615-212-9191	Rick Freeman	
Enagic Conf call invite, pre-record	618-223-5902	09/23/2015	/ 13:07	615-212-9191	Brian Kaplan	
Enagic Conf call invite, pre-record	618-223-5902	09/23/2015	/ 17:34	615-212-9191	Brian Kaplan	
Enagic call, talks about why I am not following through, Plaintiff lets him know he was getting sued	707-776-6911	09/28	/ 13:02	615-212-9191	Jeff Howard	
Cold Call selling Enagic after transitioning from SSM	561-283-4989	10/01/2015	/ 17:36	615-212-9191	Walt Peterson	
Enagic call, asks if Plaintiff has gone online to get his Enagic machine yet	707-776-6911	09/22	/ 17:37	615-212-9191	Jeff Howard	
Enagic call, asking about getting started, have I ordered machine	707-776-6911	09/14	/ 14:07	615-212-9191	Jeff Howard	
Enagic call, asking about getting started	707-776-6911	09/16	/ 13:29	615-212-9191	Jeff Howard	
Enagic call back from Jeff Howard, talks about pre-recorded message, Jeff talks about Enagic video and website "Noupfrontmoney.com"	707-776-6911	08/26	/ 14:57	615-212-9191	Jeff Howard	
Enagic call, asking about getting started, asked if I have seen website,	707-776-6911	08/26	/ 16:44	615-212-9191	Jeff Howard	
Enagic call, asking about getting started, talks about automated call and pre-recorded message previously sent	707-776-6911	07/23	/ 13:36	615-212-9191	Jeff Howard	
Enagic call, asking about getting started, one of th first calls from Jeff	707-776-6911	07/14	/ 14:15	615-212-9191	Jeff Howard	
SSM call from Dave about	331-220-0308	09/17/2015	/ 10:03	615-212-	Coach	

getting setup and requesting payment, live call				9191	Dave	
	TEXT MESSAGES					
Text messages about conference calls for Enagic	970-372-0456	9/8 x 7, 9/24x 2, 9/30, 10/3 x 2, 10/7, 10/14x2, 10/20x3, 10/27x3	12:13, 12:51, 12:51, 12:52, 12:52, 12:54, 6:28, 4:08, 4:11, 6:33, 5:35, 5:50, 1:04, 6:25, 2:15, 2:15, 6:44, 1:08, 1:10, 6:33,	615-212-9191	Brian Kaplan	20 total
Text Message about website noupfrontmony.com and request to purchase Enagic machine	707-776-6911	8-26 x3, 9/22	3:07, 5:13, 5:37, 5:54, 5:54	615-212-9191	Jeff Howard	3 total
request to purchase Enagic machine	770-778-4276	4/9 and 4/10	4:07, 9:37	615-212-9191	Rick Freeman	2 total
Messages about conference call about Enagic	516-214-2220	9/24 x 2	4:12, 4:18	615-212-9191	Jerry Maurer,	2 total
Text message about websit coachdaveslife.com and SSM and requests to send money	331-220-0308	9/16x2, 9/17x3, 9/18x9	6:32, 6:41, 10:22, 2:39, 2:39, 8:53, 11:07, 11:36, 11:40, 12:55, 2:29, 3:25, 3:26	615-212-9191	Dave Hill, Dave Allen, Dave Aleen,	14 total
SSM calls about conference calls and the website cashfreedomvideo.com	631-987-3454	5/5, 5/8x4, 5/9, 5/13x2, 5/14, 5/20x2, 5/21, 5/22x2, 5/27, 5/28x2, 6/3x2, 6/5, 6/6, 6/10x2, 6/11, 6/26x6, 6/29, 7/1x2, 7/3, 7/8, 7/15, 7/18, 7/22, 7/29, 7/30, 8/5, 8/19, 8/20, 8/26, 8/27, 8/30	5:20, 8:51, 8:51, 8:51, 1:46, 11:52, 12:38, 6:43, 2:39, 2:19, 6:53, 2:52, 3:02, 3:02, 3:55, 9:52, 9:52, 2:29, 6:06, 4:08, 10:26, 1:33, 6:06, 7:05, 10:40, 10:40, 10:40, 10:40, 10:40, 10:40, 2:13, 2:26, 6:52, 7:37, 1:13, 2:59, 7:00, 2:08, 11:25, 1:48, 11:40, 2:29, 4:44, 3:10, 2:35, 3:50, 2:16, 11:01, 1:26,	615-212-9191	Pete Polsli, ssm	49
Conference calls for Enagic	970-682-0748	8/18x2, 8/19x2	2:44, 2:44, 10:07, 10:07	615-212-9191	Brian Kaplan Enagic	4 total
Conference calls for Enagic	970-372-0456	9/24 x 2, 9/30, 10/3x2, 10/7, 10/14	4:17, 4:17, 6:40, 10:59, 11:00, 6:03, 6:31	615-331-7262	Brian Kaplan Enagic	7 total

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) Enagic USA, Inc,
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Plaintiff's Certificate of Service

I hereby certify that on 11/02/2015, the foregoing was sent via USPS First class mail to:

Peter Polselli, 50 Danes Street, Patchogue, NY 11772

Enagic via counsel Katrina Dannheim, Sities & Harbision, PLLC, 400 West Market
Street, ste 1800, Louisville, KY 40202.

Oscar Christian Kinney, 29326 Turnbury Village Dr., Spring, Tx 77386

Jeff Howard and the Corazon Management Group, Inc. 5348 Vegas Dr., Las Vegas, NV
89108

Susie Tremblay-Brown, 925 Lakeville Street, #233, Petaluma, CA 94952

Peter Wolfing and Multiplex Systems, Inc., 175 E. 96th Street, Apt 18G, New York, New
York 10128.


Craig Cunningham, Plaintiff, Pro-se, 615-348-1977

5543 Edmondson Pike, ste 248

Nashville, TN 37211

11/02/2015